

18CV5100

DERRICK PERKINS,

Plaintiff

-against-

ADA PRESLEY, WARDEN NYCDOCS,
CAPTAIN TUNSIL, FOOD SERVICE SUP,
NYCDOCS, CAPTAIN LUE, NYCDOCS,
CAPTAIN KELLER, NYCDOCS,
CORRECTION OFFICER LANI, NYCDOCS,
DAVID VILABREA, MEDICAL DOCTOR,
NYCDOCS, CORRECTION OFFICER TORRES,
NYCDOCS, CAPTAIN VASQUEZ, NYCDOCS

Defendant

CIVIL RIGHTS COMPLAINT

TITLE CODE 18 U.S.C.

1983, 1985, 1986

JURY DEMAND (YES)

1. Parties

A. Name of Plaintiff: Derrick Perkins BKC#4411605333 *AMKC*
1818 Hazen Street East Elmhurst, New York 11370

B. List all Defendant(s)

Defendant No. 1, ADA PRESLEY, WARDEN NYCDOCS
Defendant No. 2, CAPTAIN TUNSIL, FOOD SERVICE SUPERVISOR NYCDOCS
Defendant No. 3, CAPTAIN LUE, NYCDOCS
Defendant No. 4, CAPTAIN KELLER, NYCDOCS
Defendant No. 5, CORRECTION OFFICER LANI, NYCDOCS
Defendant No. 6, DAVID VILABREA, MEDICAL DOCTOR NYCDOCS
Defendant No. 7, CORRECTION OFFICER TORRES, NYCDOCS
Defendant No. 8, CAPTAIN VASQUEZ, NYCDOCS

II. Statement of Claim

When did the events happen? From January 9, 2018, thru February 21, 2018.

Facts: what happened? on January 9, 2018, at approximately 5:40 am, plaintiff while housed at the above detention center, received injury to the inside of his mouth, after being served a morning breakfast that consisted of hot cereal, one apple, bread 4 slices, jelly, and one container of milk. Plaintiff, upon biting into the apple, discovered that there had been an institutional shaving secreted inside of the apple, which sliced the inside of plaintiff's mouth. Plaintiff immediately notified the area officer Lani, who

secured the institutional shaving razor and discarded the remaining apple into the garbage disposal. Correction Officer Lani, notified his area supervisor, Captain Keller regarding the incident, informing such, that plaintiff had an emergency situation and needed to be escorted to the detention center's medical unit. See, Exhibit " A".

Plaintiff more than one hour after the emergency situation had been called in, was escorted to the area infirmary and placed in an holding pen. Plaintiff while in the holding pen, was questioned by Captain Lue with regard of his injury. Captain Lue, indicated that he was conducting an investigation into plaintiff's injury. Plaintiff while speaking with captain Lue informed said Captain, that his focus of investigation, should be the area where the morning breakfast had been delivered from, and that he should speak with the area Captain supervisor of the RNDC food delivery area. Plaintiff after having a discussion with Captain Lue, observed said captain engage in a conversation with medical staff who plaintiff later discovered to have been medical Doctor, David Vilabrea.

Plaintiff, on January 9, 2018, had not been seen by medical staff regarding injury sustained at 5:40 am, until 7:19 am. Plaintiff during the course of being seen by said doctor, observed that the doctor was overtly hostile towards the plaintiff's injury stating: he had spoken with Captain lue, and that said Captain would make sure plaintiff would be fixed up really nice, as the medical staff at the RNDC infirmary had no tolerance for the shananigans plaintiff was trying to pull over on them. Plaintiff after being refused the proper medical treatment for his injury, discovered that Doctor David Vilabrea, released the medical records of plaintiff to Captain Lue, in which the information contained in the medical record, was falsified regarding the seriousness of plaintiff's injury jeopardizing plaintiff's health records, in violation of the rights of plaintiff and confidentiality in health records. Captain Lue, in filing an incident report falsified information in plaintiff's medical file, as he knew that he and Doctor David Vilabrea, conspired to cover up the investigation of how an institutional shaving razor had come to be secreted inside of an apple plaintiff had been served, in which plaintiff upon biting into the apple, received injury to his mouth. See, Exhibit "B".

Plaintiff, on January 9, 2018, at approximately 9:00 am, was escorted back to housing location 4 lower south. Plaintiff upon entering the housing unit from the infirmary, placed an emergency call to 311 operator, in which plaintiff had made a formal complaint stating that members of the NYCDOCS Medical Health Services, at the direction of Doctor david Vilabrea, refused to properly treat injury plaintiff sustained after plaintiff had been cut in the mouth after biting into an apple that had been delivered from the RNDC Food Service area, which contained an institutional shaving razor. Plaintiff after explaining to the operator the extent of his injury, was told to demand to be seen by a different medical staff, for the purpose of receiving

an HIV test, tetanus shot, and Hepatitis testing for being exposed to an institutional shaving razor that sliced the inside of his mouth. Plaintiff, some six hours after the initial emergency having been called in, was escorted back to the facility clinic, and seen by a different medical staff. Plaintiff had received an HIV test, Blood drawn, but had not been administered an tetanus shot, or given stitches for the sliced injury from the institutional shaving razor that cut the inside of plaintiff's mouth. See, Exhibit "C".

Plaintiff, on January 9, 2018, at approximately 2:45 pm, was removed from housing unit 4 lower south, and placed in an isolation cell for 72 hours, a cell location, that had no working toilet for plaintiff to move his bowels, or a working sink for the plaintiff to drink water from.

Plaintiff, on January 12, 2018, after spending 72 hours in an isolation cell, was made to appear at an adjudication hearing. Plaintiff during the adjudication hearing, discovered for the first time, that Captain Keller had written an infraction against the plaintiff, indicating that the plaintiff possessed contraband in the form of an institutional shaving razor. The infraction which had not been served upon the plaintiff, indicated that Captain Lue and a witness identified as Brito Badge #10915, alleged that plaintiff refused to sign for the infraction. See, Exhibit "D".

Plaintiff, on January 12, 2018, discovered during the adjudication hearing, that the Hearing Officer Captain Petty, was designated to conduct the hearing, and that her investigation would be based upon information provided to her from: ADA PRESLEY, WARDEN, RNDC, CAPTAIN KELLER, CAPTAIN LUE, CORRECTION OFFICER LANI, AND MEDICAL DOCTOR, DAVID VILABREA. Hearing Officer, Captain Petty, asked plaintiff how he plead to the charges filed, in which plaintiff plead not guilty. Hearing Officer Petty, informed plaintiff that she would conduct a thorough investigation into the written charges and would inform of her findings in an written decision.

Plaintiff, on February 1, 2018, at approximately 1500 hours, received hearing report and notice of disciplinary deposition from Captain Petty. Plaintiff was informed that the filed charge of rule violation 103.10 Possession of Contraband, had been dismissed, and that the basis of findings and evidence relied upon, did not substantiate, nor had evidence been attached to support plaintiff possessed contraband in the form of an institutional shaving razor, as no information had been provided during any investigation, that plaintiff had been given an institutional shaving razor, nor had any information provided to her during an investigation by Captain Lue, indicate that an institutional shaving razor was reported missing. See, Exhibit "E".

Plaintiff, after being informed by Hearing Officer Captain Petty, that the charges regarding a January 9, 2018, written report was dismissed. Had been threatened by Captain Lue, in which said Captain stated: "It's only a matter of time before I tighten this noose around your neck". Plaintiff to no avail after notifying the office of the Inspector General and in receipt of complaint #18-00256 in this regard, had been informed that an investigation would take place. Captain Lue, in clear violation of plaintiff's rights, was allowed to continue retaliate against the plaintiff, and on February 7, 2018, Captain lue knew that a cell location he had plaintiff directed to move into, had not been inspected before plaintiff was moved into it. Plaintiff before moving into cell location demanded that he be provided with a cell inspection sheet to have documentation that the cell had been properly inspected before he had moved into said location, as the correction staff on the unit under the supervision of Captain lue, failed to provide the necessary cell inspection sheet in accordance with the NYCDOCS mandates that such cell be inspected before a detainee is moved into it, which not had taken place in the case of the plaintiff.

Plaintiff, on February 7, 2018, at approximately 10:00 am, while housed at the RNDC Housing Unit 6 upper south cell 17, was ordered by staff correction officer's to step outside of the cell, for the purpose of an cell search. Correction Officer Torres, while conducting the search of cell location 17 cell stated: Captain Lue sent me to search this cell and to make sure that this time we tighten the noose on your neck. Correction Officer Torres during the search of the cell plaintiff was housed at, claimed to have found two pieces of metal inside of the radiator of the cell plaintiff was ordered to move into at the direction of Captain Lue. Plaintiff, never received an Cell inspection sheet, and when staff correction officer's claim to have found contraband inside of the cell location that plaintiff was never given an opportunity to sign. The Plaintiff cannot be held liable, when correction staff planted such evidence and failed to produce an cell inspection sheet for the abovementioned cell location. See, Exhibit "F".

Plaintiff, on february 13, 2018, appeared at an adjudication hearing before Hearing Officer captain vasquez, in which plaintiff was asked by the Hearing Officer if he wanted to make an statement in regard of the written charges written against him. Plaintiff stated that: the cell location he had been ordered to move into at the direction of Captain Lue, had not been inspected before plaintiff had moved into, nor had plaintiff been given an cell inspection sheet to sign as is required by NYCDOCS protocol pertaining to persons whom are considered detainees. Captain Vasquez, in response to plaintiff's statement in his defense, stated that he had spoken with Captain Lue regarding an incident report filed by Captain lue on January 9, 2018, in which charges of possession of contraband had been filed against plaintiff. Hearing Officer Captain vasquez, stated that as a favor to

Captain Lue, he was going to make sure that the plaintiff be found guilty of the written charges placed before him and that it is irrelevant that the cell location had not been inspected before plaintiff moved into it. Plaintiff on February 21, 2018, received notification from Hearing Officer Captain Vasquez, that he found plaintiff herein guilty of the filed charges. See, Exhibit "G".

FIRST CAUSE OF ACTION

Defendant No. 1, ADA PRESLEY, WARDEN RNDC NYDCDCS, under the color of law and in an individual, official, and unofficial capacity, knowingly allowed staff correction officer's under her authority, to retaliate against the plaintiff and plant illegal contraband inside of a cell plaintiff was ordered to move into, after plaintiff had prior charges dismissed against him involving a case of an institutional shaving razor that had been secreted inside of an apple plaintiff had bitten into causing injury to his mouth dismissed after during the course an investigation and file incident report, members of NYDCDCS and staff, were unable to account for the location of an institutional shaving razor that caused injury to plaintiff's mouth. Plaintiff states a cause of action against the abovementioned defendant, as said defendant was complicit at having plaintiff placed in a cell location that had illegal contraband placed inside of it, when correction staff under her supervision claimed to have discovered this illegal contraband inside of an radiator and cell location that plaintiff was ordered to move into when there is no documentation provided, that said location had been documented as ever having a cell inspection sheet generated for the purpose of any detainee let alone for the plaintiff upon plaintiff moving into the cell location. Defendant, as a result of such actions, are in violation of plaintiff's rights under the First, Eighth, and Fourteenth Amendments of the United States Constitution.

SECOND CAUSE OF ACTION

Defendant No. 2, CAPTAIN TUNSIL, FOOD SERVICE SUPERVISOR, RNDC NYDCDCS, under the color of law and in an individual, official, and unofficial capacity, failed to have properly inspect a food item delivered to plaintiff and the housing location plaintiff was housed, when said food item, an apple, had an institutional shaving razor secreted inside of the delivered apple given to plaintiff, slicing the inside of plaintiff's mouth causing injury. Plaintiff states a cause of action against the abovementioned defendant, as said defendant was complicit at covering up an investigation concerning an institutional shaving razor being secreted in a food item under the direction of the defendant. Defendant during the investigation, failed to also notify ADA PRESELEY, WARDEN RNDC NYDCDCS of any report identifying such food item was contaminated with an institutional shaving razor, making to appear as if plaintiff somehow was responsible for the injury he sustained. Defendant as a result

of these actions are in violation of plaintiff's rights under the First, Eighth, and Fourteenth Amendment of the United States Constitution.

THIRD CAUSE OF ACTION

Defendant No. 3, CAPTAIN LUE BADGE #860 RNDC NYCDCOS, under the color of law and in an individual, official, and unofficial capacity, did conspire and cover up the facts of how an institutional shaving razor that was never reported missing came to have caused injury to plaintiff, after plaintiff had been served an apple from the RNDC Food Service Supervisor at The RNDC Housing Unit 4 lower south, an institutional shaving razor that sliced the inside of plaintiff's mouth. Plaintiff states a cause of action against the abovementioned defendant, as said defendant 1) retaliated against plaintiff after plaintiff made a formal complaint regarding his injury, 2) was allowed to review medical records relating to plaintiff which had been altered and made to minimize the seriousness of plaintiff's injury, and in violation of plaintiff's medical records and confidentiality clause, 3) had plaintiff placed in an isolation cell for 72 hours without a working toilet, or working sink for the benefit of plaintiff using the toilet to move his bowels or to have drinking water from a sink, 4) had plaintiff moved to a cell location that defendant knew to have illegal contraband placed inside of, under the direct supervision of the defendant, 5) refused to provide plaintiff with an cell inspection sheet for the cell location defendant ordered plaintiff moved into. Defendant as a direct result of these actions, are in violation of plaintiff's rights under the First, Eighth, and Fourteenth Amendment of the United States Constitution.

FOURTH CAUSE OF ACTION

Defendant No. 4, CAPTAIN KELLER BADGE #1834 RNDC NYCDCOS, under the color of law and in an individual, official, and unofficial capacity, did conspire with staff correction officials and administrative members, when covering up the means of how an institutional shaving razor that was discovered inside the body of an apple served from the RNDC messhall and delivered to the housing unit plaintiff had been housed, came to have been inside an apple plaintiff had eaten, with sliced the inside of plaintiff's mouth causing injury. Plaintiff states a cause of action against the abovementioned defendant, as said defendant 1) covered up the means of an investigation concerning the institutional shaving razor, which had never been reported missing, 2) fabricated a written infraction against the plaintiff, stating that plaintiff had possessed the institutional shaving razor, when she knew that no investigation had taken place, as there is no record that the institutional shaving razor that sliced the inside of plaintiff's mouth after being secreted inside of an apple had ever been reported missing,

3) conspired with staff correction officer's to alter the medical records of the plaintiff, by having the medical staff at the RNDC, undermine the seriousness of plaintiff's injury when the incident report prejudiced the plaintiff when it was alleged that plaintiff inferred that he would not speak until after conversing with his lawyer, 4) had plaintiff placed in an isolation cell for 72 hours without the use of a working toilet or working sink to move his bowels or to drink water, 5) sanctioned plaintiff being moved into a cell location that correction staff knew to have illegal contraband placed inside by staff members, a location that bares no indication that a cell inspection sheet had been filled out in accordance with the NYCDOCS and signed by plaintiff in accordance with the regulatory guidelines, before the plaintiff had moved into such location. Defendant as a result of these actions are in violation of plaintiff's rights under the First, Eighth, and Fourteenth Amendment of the United States Constitution.

FIFTH CAUSE OF ACTION

Defendant No. 5, CORRECTION OFFICER LANI BADGE #1090 RNDC NYCDOCS, under the color of law and in an individual, official, and unofficial capacity, did conspire with administrative officials under the banner of NYCDOCS, when the defendant who initiated an injury report, failed to include inside of the body of the injury report, that he had discarded the portion of an apple that had an institutional shaving razor secreted inside the body of an apple that caused injury to plaintiff, by throwing the portion of the apple inside of the garbage disposal, and documenting the institutional shaving razor inside of the filed injury report. Plaintiff states a cause of action against the abovementioned defendant, as said defendant 1) failed to properly secure the portion of the apple in an evidence bag as had been secured the institutional shaving razor, 2) failed to provide information to the staff official writing the infraction against the plaintiff, that he had thrown away a portion of the apple before it could be properly inspected to determine how an institutional shaving razor that had never been reported missing, had come to be secreted inside of an apple that sliced the inside of plaintiff's mouth, 3) conspired with staff officials and had plaintiff removed to an isolated cell location for 72 hours until the start of an adjudication hearing against plaintiff, in an area of the RNDC where the plaintiff was unable to use a toilet to move his bowels, or have the use of a working sink to drink water. Defendant as the result of these actions, are in violation of plaintiff's rights under the First, Eighth, and Fourteenth Amendment of the United States Constitution.

SIXTH CAUSE OF ACTION

Defendant No. 6, DAVID VILABREA, MEDICAL DOCTOR RNDC NYCDOCS, under the color of law and in an individual, official and unofficial capacity, did conspire with correctional staff officer's and illegally allowed portions of the plaintiff's medical records to be altered and inappropriately released to staff correctional officer's, during the course of an investigation and incident report, in which plaintiff had been injured by an institutional shaving razor, which had sliced the inside of plaintiff's mouth, in which plaintiff sustained injury. Plaintiff states a cause of action against the abovementioned defendant, as said defendant, was complicit at 1) doctoring the medical reports of plaintiff's injury, after speaking with investigative officer captain Lue, who falsified information in a written report, when she knew that an institutional shaving razor that caused injury to plaintiff had never been reported missing, 2) upon attending to plaintiff's injury more than one hour after the emergency had been reported, knew that the source of the injury plaintiff had sustained, had come from an apple that had been destroyed and not tagged as evidence during any incident report or investigation conducted by administrative official's, 3) undermined the seriousness of plaintiff's injury, by making it appear as if plaintiff had caused the injury to himself, when the facts would have showed otherwise. Defendant as the result of these actions, are in violation of plaintiff's rights under the First, Eighth, and the Fourteenth amendment of the United States Constitution.

SEVENTH CAUSE OF ACTION

Defendant No. 7, CORRECTION OFFICER TORRES BADGE #15073 NYCDOCS, under the color of law and in an individual, official, and unofficial capacity, did conspire with correctional officer's and administrative officials during a search of cell location plaintiff was housed at and in when housed at the RNDC, stated that illegal contraband was found to have been inside of the cell's radiator by the defendant, a cell location plaintiff was ordered to go inside of. Plaintiff states a cause of action against the abovementioned defendant, as said defendant while conducting the cell search knew that 1) the cell defendant was directed to search, had not been in compliance with NYCDOCS regulatory guideline, which entailed that all cells occupied by detainee's, must be properly inspected, indicating that a cell inspection sheet had been generated and the detainee signed the cell inspection sheet before moving inside of the cell location, 2) during the search of the cell location, no inspection sheet for the cell had been made available, indicating that plaintiff's signature

had been affixed to the cell inspection sheet, nor had there been any information available, indicating that the cell location plaintiff was ordered to move into, had ever been inspected, 3) the alleged contraband found inside of the radiator, had been placed there by correctional staff in retaliation against the plaintiff and in regard to a prior incident and report, regarding plaintiff being injured by contraband, in which investigating officer's named in the filed complaint, fabricated the information concerning an investigation and had been reprimanded by administrative officials, after it was discovered that an institutional shaving razor that had injured plaintiff, had never been reported missing after it had been discovered secreted inside of an apple plaintiff had bitten into, causing injury to his mouth. Defendant as the direct result of these actions are in violation of plaintiff's rights under the First, Eighth, and Fourteenth Amendment of the United States Constitution.

EIGHTH CAUSE OF ACTION

Defendant No. 8, CAPTAIN VASQUEZ BADGE #N/A NYCDOCS, under the color of law and in an individual, official, and unofficial capacity, did conspire with administrative officials to find plaintiff guilty of a charge of possession of contraband, when he knowingly knew that the contraband alleged to have been found inside of a radiator of a cell location plaintiff was ordered to move into, was illegally placed there by correctional staff, in retaliation against plaintiff for filing a formal complaint regarding injury plaintiff had sustained, and that at the time of the adjudication hearing being conducted by the defendant, that the defendant knowingly knew, that the cell location plaintiff had been ordered to move into, and which illegal contraband had been alleged to have been found inside of the radiator of the cell location, was not in compliance with the NYCDOCS regulatory guideline for the procedure of cell inspection sheet. Plaintiff states a cause of action the abovementioned defendant, as said defendant was complicit at 1) conducting an adjudication hearing, when the facts of correction staff in prior incident and report, fabricated an infraction against the plaintiff for possession of contraband, in an incident and report where it had been established that an institutional shaving razor that injured plaintiff, had never been reported missing, having the report which was fabricated dismissed against the plaintiff, 2) conducting an adjudication hearing against plaintiff, when he knew that the cell location in which plaintiff had appeared before the defendant and regard of hearing, clearly violated the right of plaintiff, and 3) when the availability of an cell inspection sheet to determine if the cell location had ever been properly inspected is not available, nor had it been available to plaintiff during the proceeding in adjudication. Defendant as the direct result of these actions, are in violation of plaintiff's rights under the First, Eighth, and the Fourteenth Amendment of the United States Constitution.

III. Injuries

Plaintiff, as the result of having been injured by an institutional shaving razor that had been found secreted inside of an apple, served to the plaintiff by the defendant(s) in the above. Plaintiff received injury to the inside of his mouth and was subsequently placed in an isolated cell for 72 hours, without the use of a toilet or drinking water, and had been given an infraction for the possession of contraband, for an institutional shaving razor, that had never been reported missing. Plaintiff, approximately six days after having the written charges filed in the infraction dismissed, was retaliated against by members of the NYCDOCS and had illegal contraband placed in a cell location, that has no showing that an cell inspection sheet had been generated indicating that plaintiff's signature had been affixed as mandated by NYCDOCS regulatory guidelines. Plaintiff as the result as being moved into a cell location that had not been properly inspected by members of NYCDOCS. Plaintiff states a cause of action regarding this civil rights complaint for injuries sustained, as the defendant(s) caused negligence when they served plaintiff a food product, in the form of an apple, which had an institutional shaving razor secreted inside the body of said apple, an institutional shaving razor, that had never been reported missing by the defendant(s) in the above.

Plaintiff further as a result of injuries sustained, states a cause of action against the defendant(s) in the above, as said defendant(s) are complicit at and conspired to falsify information of plaintiff's medical injury as stated in the above. Plaintiff states that the defendant(s) in the filing of **(1) INJURY TO INMATE REPORT, MEDICAL ASSESSMENT OF INMATE RED IDENTIFICATION AND/OR ENHANCED RESTRAINTS, AND REPORT OF NOTICE OF INFRACTION**, holds such defendant(s) liable under Title Code 18 U.S.C. Sections 1983, 1985, and 1986, as the defendant(s) in the above conspired and fabricated informing with regard of injury plaintiff sustained, after plaintiff sought redress for his injury in the form of a formal complaint, as plaintiff had a right to seek grievance for such injury and not be retaliated against by the defendant(s) in the above.

IV. Relief

Plaintiff is seeking relief in compensatory damages from each defendant in their individual, official, and unofficial capacity, in the amount of five million dollars from each defendant, for violation of plaintiff's rights under the First, Eighth, and Fourteenth Amendment of the United States Constitution.

Plaintiff is further seeking relief in regulatory action from the defendant(s), through their use of written disposition and notification, as such fail to provide plaintiff with the necessary information with regard to an incident in written infraction, when the written report, fails to provide the plaintiff with notification of a cell inspection sheet for a cell location that had never provided plaintiff with information on when it had been last inspected through the use of NYCDOCS cell inspection sheet.

I declare under the penalty of perjury that on the 30 day of MAY, 2018, that plaintiff delivered the complaint to the said detention center mail room, at the above address, by addressing said envelope to the Pro Se Intake Unit, located at 500 Pearl Street New York, New York 10007.

Dated:

THE CITY OF NEW YORK
DEPARTMENT OF CORRECTION
FACILITY: RNDC
11-11 Hazen Street
East Elmhurst, New York 11370

604
645

INMATE VOLUNTARY STATEMENT

Inmate's Name: DERRICK PERKINSDate: 11/10/18Book & Case #: 4411605333Date of Birth: 7/15/63 Age: 52Housing Area: 645

I hereby acknowledge that the following written statement issued was made VOLUNTARILY of my own free will without promise of reward, or under any threat of physical harm or fear of such

On January 9, 2018, while housed at RNDC Cell Block Location 4 Lower South, at approximately 5:50 AM, upon receiving food delivered from the above RNDC, consisting on Hot oatmeal a Fruit "Apple" bread etc. I bite down into the apple and discovered that a used shaving razor was inside the body of the apple. As a result I received an injury to the inside of my mouth. Correction Officer LAHI Filed an injury report, in which I was sent to the infirmary, where upon being seen by Doctor David Vilabrea, he failed to administer me proper medical attention sending from the infirmary absent the taking of a Tetanus shot or administering anything for the injury inside of my mouth.

INMATES SIGNATURE Derrick PerkinsDATE 11/10/18

WITNESSED BY:

Print Name

Signature

Rank

Shield

18330

EXHIBIT "A" CONTINUED

INMATE GRIEVANCE COMPLAINT

NAME: DERRICK PERKINS

BKC # 4411605333

Location RNDC 6 Upper South



Date: January 10, 2018

Incident: Grievant Derrick Perkins, on date January 9, 2018, while housing at location 4 Building Four Lower South, discovered while eating an apple that had come from the RNDC Food Cart and delivered to 4 Lower South a used razor inside the body of the apple which had sliced the inside of grievant's mouth. Grievant immediately notified the area B Officer Lali, who secured the used razor and filed an injury report indicating that the apple grievant had bitten into contained a razor that caused the injury.

Action Requested: Is that the Inspector General's Office be notified, and that an investigation be conducted as to how a used shaving razor came to be inside an apple grievant had bitten into causing injury to the inside of his mouth.

Signature: Derrick Perkins

311 already
filed
8/31/30

	CORRECTION DEPARTMENT CITY OF NEW YORK	ATTACHMENT B																
INVESTIGATION REPORT		Form: 6500B Rev. :08/04/15 Ref. : Dir. #6500R-C																
Please indicate which of the following items are part of the Investigation:																		
<table style="width:100%;"> <tr> <td><input checked="" type="checkbox"/> Injury to Inmate</td> <td><input checked="" type="checkbox"/> Photos</td> <td><input type="checkbox"/> Mental Health Clearances</td> </tr> <tr> <td><input type="checkbox"/> UOF Reports</td> <td><input type="checkbox"/> Drug Test Results</td> <td><input checked="" type="checkbox"/> Other Incident Report</td> </tr> <tr> <td><input type="checkbox"/> Red ID/Enhanced Restraint Placement</td> <td><input type="checkbox"/> NIK Reports (IU)</td> <td></td> </tr> <tr> <td><input type="checkbox"/> PHD (Specify where below)</td> <td><input checked="" type="checkbox"/> Witness Statements</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Property Damage Report</td> <td><input type="checkbox"/> Confidential Informant</td> <td></td> </tr> </table>				<input checked="" type="checkbox"/> Injury to Inmate	<input checked="" type="checkbox"/> Photos	<input type="checkbox"/> Mental Health Clearances	<input type="checkbox"/> UOF Reports	<input type="checkbox"/> Drug Test Results	<input checked="" type="checkbox"/> Other Incident Report	<input type="checkbox"/> Red ID/Enhanced Restraint Placement	<input type="checkbox"/> NIK Reports (IU)		<input type="checkbox"/> PHD (Specify where below)	<input checked="" type="checkbox"/> Witness Statements		<input type="checkbox"/> Property Damage Report	<input type="checkbox"/> Confidential Informant	
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<input type="checkbox"/> Property Damage Report	<input type="checkbox"/> Confidential Informant																	
Date Investigation Started: 01/09/18		Date Investigation Concluded: 01-09-18																
		Infraction #:																
INVESTIGATING OFFICIAL'S REPORT																		
Investigating official's report shall include observations and conclusions of the physical and documentary evidence. Identify each item and/or document evaluated. If inmate was served more than three (3) business days after incident, state why. Attach 600AR if necessary. If results of investigation indicate that no disciplinary action is warranted, specify the reason(s) for not pursuing disciplinary action.																		
<p>On Tuesday January 9th, 2018 I Captain Lue #860 investigation at approximately 0540 hours inmate Perkins, Derrick B/C 441.16.05333 N: [REDACTED] claimed he was eating an apple when he suffered injury from an institutional Razor which was located with in it. He reported this to Officer Lali # 1090 by throwing it in the officer's direction based on Genetic angle 64.244. Who notified his area supervisor Captain Keller # 1834. It appeared to be an institutional razor, removed from his casing. He was taken to the Clinic area for treatment. Medical report is as follows: patient treated by Vilabrera MD. Patient claims he injured his right side of oral cavity – inside cheek. No discernible injuries noted on exam, no active bleeding. Treatment: None. Called urgi-care spoke with Dr. Wachsel. No poss. exposure prophylaxis indicated. Disposition returned to housing area.</p> <p>Upon further review of the Genetic angles 64.246 it appears that while leaving his cell # 25 at approximately 0503 hours he appeared to be manipulating and touching his mouth area several times prior to entering the dayroom. Based on continuing footage on the Genetic in the day-room angles 65.15, 64.250, and 65.11. He continued the activity of touching and manipulating his mouth area before he took several bites into the apple. He then aggressively threw the apple towards the officer's direction.</p> <p>In conclusion based on DOC staff, injury reports and the injury report. I conclude that the charges 103.10 Contraband is substantiated. Inmate Perkins was counseled for his actions and that he is to follow the inmate rules of conduct outlined in the Inmate Handbook. The area was canvased for inmate statements to no avail.</p>																		
Statement of Inmate Charged: I'm not signing shit or saying shit until I talk to my lawyer.																		
Statement of Witness(es) - (If more witnesses, attach additional sheets)																		
Witness Name (Last, First):		Rank/Title, Shield/ID (If staff) B&C#/Sentence# (If inmate):																
Statement (If none, state such):																		
Witness Name (Last, First):		Rank/Title, Shield/ID (If staff) B&C#/Sentence# (If inmate):																
Statement (If none, state such):																		
Was inmate Mirandized in connection with this Infraction? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																		
		Hearing Recommended? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																
Inmate transferred pending hearing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If Yes, Where?																
		If PHD, check <input type="checkbox"/> Date: Time:																
Investigating Official's Signature:		Investigating Official (Print Name, Rank and Shield #): Lue, Christopher Captain #860																

INMATE IS LOCATED IN RNDC IN 4 LOWER SOUTH. AT APPROXIMATELY 5:50 A.M. ON 1-9-18 HE RECEIVED AN APPLE AND HOT CEREAL FOR BREAKFAST. WHEN HE BIT INTO THE APPLE THERE WAS A USED RAZOR IN THE APPLE AND IT CUT HIM INSIDE OF HIS MOUTH.



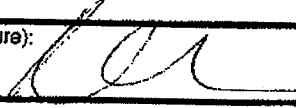
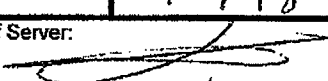
HE REPORTED IT TO CAPTAIN KELLER AND THEN WENT TO MEDICAL. THE MEDICAL DOCTOR DAVID VILABRERA ONLY LOOKED INTO HIS MOUTH WITH A FLASHLIGHT AND THEN THEY RELEASED HIM. THE DOCTOR SAID IT WAS ONLY A NICK AND THE INMATE IS REPORTING THAT THERE IS A DEEP ABRASION.

INMATE IS CURRENTLY PANICKING AND WORRED THAT HE MIGHT BE EXPOSED TO HIV AND MEDICAL ISN'T BEING RESPONSIVE ABOUT THE ISSUE.

Refer the task for more details: <http://servicedesk-p1/TaskDetails.cc?TASKID=25309>

****Please do not reply to this automated message****



Adm 52605

		CORRECTION DEPARTMENT CITY OF NEW YORK		ATTACHMENT A			
		REPORT AND NOTICE OF INFRACTION		Form: 6500A Rev.: 08/04/15 Ref.: Dir. #6500R-C			
Infraction #: 0029-18		Institution: RNDC		Date of Incident: 01/09/2017		Time Infraction Written: 1200 Hrs.	
Inmate Name (Last, First): Perkins, Derrick		B&C/ Sentence #: 4411605333		Date of Report: 01/09/2017		NYSID #: [REDACTED]	
Location of Incident (Be Specific): Building 4 Dayroom		Housing Area Location: 4 Lower South		Approximate Time of Incident: 0540 Hours			
Charge # 103.10		Offense Contraband		Charge #		Offense	
Reporting Official (Print Name, Rank and Shield): Keller, Captain #1834				Reporting Official (Signature): 			
Details of Incident (Include Details as to How, When and Where Infraction was Committed: On Tuesday, January 9, 2018 I Captain Keller #1834 was assigned as the "A" House Supervisor on the 2300x0731 hours tour. At approximately 0550 hours Officer Lali #1090 who was assigned to housing area 4 Lower South on the 2300x0731 reported to this writer inmate Perkins, Derrick B&C #4411605333 was in possession of an institutional razor. Inmate Perkins surrendered the razor to Officer Lali inside of an apple claiming to have bit into the apple, recovering the razor. The razor surrender appeared to be an intuitional razor, removed from casing.							
You are entitled to a hearing for this infraction no sooner than twenty-four (24) hours after you are served with this Notice. If you are a sentence inmate and you commit an infraction within twenty-four (24) hours prior to your discharge, and you have not reached your maximum sentence expiration date, you may be served with charges and held for a hearing. The Department will make every effort to hold this hearing within three (3) business days of the service of this Notice. This three (3) business day period excludes the day you are served, weekends, holidays, days you go to court (whether in person or via teleconference), days you are hospitalized or at a hospital attending a clinic, days you leave the facility for an attorney interview, days you are unavailable because you are transferred to another facility and days you are unavailable due to your absence from the facility for any purpose. The three (3) business day period is automatically extended by one (1) one business day if you are transferred to another facility prior to your hearing (unless you are a Pre-Hearing Detention Inmate). Commencement of a hearing after three (3) business days is at the discretion of the Adjudication Captain and is not barred by Department rules.							
At your hearing you have the following rights: <ol style="list-style-type: none"> 1. Right to appear personally, unless you waive your right to appear, refuse to attend the hearing or appear at the hearing and become disruptive. 2. Right to make statements. If you choose to remain silent, your silence cannot be used against you. If you make a statement, such statement cannot be used in a subsequent criminal trial unless you have been given a Miranda Warning and then voluntarily testify. 3. Right to present material evidence. 4. Right to present witnesses. 5. Right to the assistance of a Hearing Facilitator. 6. Right to an interpreter if you cannot communicate well enough in English. 7. Right to appeal. 							
Within twenty-four (24) hours of the Adjudication Captain reaching a decision of guilty, you will receive a copy of the "NOTICE OF DISCIPLINARY HEARING DISPOSITION" form informing you of the violation(s) you are found guilty of, the basis for that finding, the evidence relied upon and the penalty to be imposed. The following penalties are the maximum which may be imposed individually or in any combination: <ol style="list-style-type: none"> 1. Reprimand. 2. Loss of all privileges. 3. Loss of good time if you are a sentence inmate. 4. Punitive segregation for up to thirty (30) days per each applicable individual charge. 5. Restitution for the intentionally damaging or destroying of City property. A twenty five (\$25) dollar disciplinary surcharge will be imposed on all inmates found guilty of a Grade I or Grade II offense. You have the right to appeal an adverse decision rendered by the Adjudication Captain.							
Interpreter Requested: <input type="checkbox"/> Yes (If yes, Include What Language) <input checked="" type="checkbox"/> No							
Hearing Facilitator Requested: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
Witness(es) Requested: <input type="checkbox"/> Yes [If yes, include witness(es) Name, Book and Case Number (if inmate) or Shield/ID (if staff) and Location if inmate) or Post (if staff)]. <input type="checkbox"/> No							
Witness (Print Name.):		B&C Number:		Location:			
Witness (Print Name.):		B&C Number:		Location:			
Witness (Print Name.):		B&C Number:		Location:			
Witness (Print Name.):		Shield/ID Number:		Location:			
I certify that I received a copy of this Notice:		Signature of inmate: Refused to Signed		Date: 1-9-18		Time: 1517	
Served by (Print Name, Rank, Shield #): LUE #860		Signature of Server: 					
Refused to Sign for Notice: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Witnessed by: Brito/Brito #10915					

DISTRIBUTION: (SINGLE SIDED) COPY - NOTICE TO INMATE

DOUBLE SIDED WITH FORM 6500B) COPY TO FACILITY

Reserved by Capt Betty #1626 1/12/18 @ 1205 & Am 12/18

	CORRECTION DEPARTMENT CITY OF NEW YORK	ATTACHMENT D	
HEARING REPORT AND NOTICE OF DISCIPLINARY DISPOSITION		Page 2 of 2 Pages	Form: 6500D Eff. : 2/8/15 Ref. : Dir. # 6500R-C

DOCUMENTARY EVIDENCE (Where applicable)

Photograph of Injury:	<input type="checkbox"/> Yes <input type="checkbox"/> No		Shown to Inmate:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Photocopy of Weapon:	<input type="checkbox"/> Yes <input type="checkbox"/> No		Shown to Inmate:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Reports - Specify Types:	<input type="checkbox"/> Yes <input type="checkbox"/> No		Shown to Inmate:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Logbooks - Specify Types:	<input type="checkbox"/> Yes <input type="checkbox"/> No		Shown to Inmate:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Infraction Investigation:	<input type="checkbox"/> Yes <input type="checkbox"/> No		Shown to Inmate:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Physical Evidence (List):	<input type="checkbox"/> Yes <input type="checkbox"/> No		Shown to Inmate:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Witness Statements (List Witnesses):	<input type="checkbox"/> Yes <input type="checkbox"/> No		Shown to Inmate:	<input type="checkbox"/> Yes <input type="checkbox"/> No

On this date and time following disposition was reached after a hearing on the charges listed below: **2/1/18 @ 1500**

Charge #	Dismissed	Penalty	Guilty	Not Guilty	Basis for Findings & Evidence Relied On
103.10	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	Based on the charge is not substantiated, no evidence attached that there was an institutional razor reported missing and proof that inmate Perkins retrieved a departmental razor and upon further investigation no information was provided.
	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	Red ID and Enhanced Restraints is revoked
	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	

Twenty Five Dollar (\$25) Disciplinary Surcharge Grade I or Grade II offenses only: ☐ Yes ☒ No


If you have been found guilty of multiple rule violations, these penalties will be served: ☐ Consecutively ☐ Concurrently ☒ Not Applicable

Infraction Dismissed: ☒ Yes ☐ No

Reason:

Dismissed based on the charge is not substantiated, upon further investigation no proof that inmate Perkins was issued a razor or if there was a razor reported missing from the housing area.

Pre-Hearing Detention Time Credit: _____ Days.

Adjudication Captain (Print Name, Rank, Shield #): Petty, Captain #1626	Signature of Adjudication Captain: 
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You have the right to appeal an adverse decision rendered by the Adjudication Captain within two (2) days of service of this decision. If you have been sentenced to a total of thirty (30) days of punitive segregation or loss of all your good time on any one (1) Notice of Disciplinary Disposition (6500D), you may file a petition for a writ under Article 78 of the CPLR. If you are sentenced to less than thirty (30) days punitive segregation or loss of less than all your good time, you may appeal that decision to the Warden of the facility where the infraction occurred.

I certify that I received a copy of this notice:	Signature of Inmate:	B&C/Sentence #:	Date:	Time:
Served by (Print Name, Rank and Shield #):	Signature of Server:			
Refused to Sign for Notice: <input type="checkbox"/> Yes <input type="checkbox"/> No	Witnessed By:			

CORRECTION DEPARTMENT CITY OF NEW YORK			
HEARING REPORT AND NOTICE OF DISCIPLINARY DISPOSITION		Page 1 of 2 Pages	Form: 6500D Eff.: 08/04/15 Ref.: Dir. # 6500R-C
Infraction #: 0029-18	Institution: RNDE		
Inmate Name (Last, First): Perkins Darnell	B&C/Sentence #: 2411605333	NYSID #: _____	
Location: _____	Disposition Date: 2/1/18	Disposition Time: 1000 Hrs.	
Adjudication Captain (Print Name, Rank & Shield #): Polly Capt 1626			
Folder #: B-55	Hearing Start Date: 1/21/18 @ 1210	Hearing End Date: 2/1/18	
Inmate's Accompanying card Indicates Inmate Received Rule Book: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Inmate requested Witness(es): <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Waived <input type="checkbox"/> Request Granted <input type="checkbox"/> Denied (If waived, inmate must sign. If denied, state reason.)			
Reason: _____			
Inmate requested Hearing Facilitator: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Waived <input type="checkbox"/> Request Granted (If yes, Hearing Facilitator must sign. If waived, inmate must sign.)			
Reason: _____			
Inmate Requested Interpreter: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Waived <input type="checkbox"/> Request Granted <input type="checkbox"/> Denied (If yes, interpreter must sign. If waived, inmate must sign. If denied, state reason.)			
Reason: _____			
If inmate advised of right to remain silent was inmate advised that statements could be used against him/her. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable			
Special Situations			
Hearing in Absentia: <input type="checkbox"/> Inmate Refused to Appear <input type="checkbox"/> Removed from Hearing Due to _____ Specify Reason _____			
Adjournment: <input type="checkbox"/> By Adjudication Captain Date Reconvened ____ / ____ / ____ <input checked="" type="checkbox"/> By Inmate Waived Time Limits to Facilitate Adjournment (Inmate Signature) <u><i>[Signature]</i></u>			
Referral: <input type="checkbox"/> Security <input checked="" type="checkbox"/> Mental Health <input type="checkbox"/> Inspector General			
Inmate Pled: <input type="checkbox"/> Guilty <input checked="" type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty with an Explanation			
Summary of inmate's Testimony: _____ _____ _____			
The following witness(es) testified at your hearing. (If additional witnesses testified, attach additional sheets.)			
Witness Name (Last Name, First Name):		Rank/Title, Shield/ID # (if staff), B&C/Sentence # (if inmate):	
Witness Signature (Present at Hearing): _____			
Witness testified in the presence of the charged inmate: <input type="checkbox"/> Yes <input type="checkbox"/> No If no, state reason: _____			
Summary of Testimony: _____ _____ _____			
Testimony was: <input type="checkbox"/> Credited <input type="checkbox"/> Rejected Reason: _____			
Witness Name (Last Name, First Name):		Rank/Title, Shield/ID # (if staff), B&C/Sentence # (if inmate):	
Witness Signature (Present at Hearing): _____			
Witness testified in the presence of the charged inmate: <input type="checkbox"/> Yes <input type="checkbox"/> No If no, state reason: _____			
Summary of Testimony: _____ _____ _____			
Testimony was: <input type="checkbox"/> Credited <input type="checkbox"/> Rejected Reason: _____			



CORRECTION DEPARTMENT CITY OF NEW YORK

ATTACHMENT
A



REPORT AND NOTICE OF INFRACTION

Form: 6500A
Rev.: 08/04/15
Ref.: Dir. #6500R-C

Infraction #: 2560-18	Institution: RNDC	Date of Incident: 02/07/18	Time Infraction Written: 1015	Date of Report: 02/07/18
Inmate Name (Last, First): Perkins, Derrick		B&C/ Sentence #: 4411605333		NYSID #: [REDACTED]
Location of Incident (Be Specific): 6 Upper South cell #17			Housing Area Location: 6 Upper South	Approximate Time of Incident: 1000 Hrs.
Charge # 103.10	Offense Contraband	Charge #	Offense	
Reporting Official (Print Name, Rank and Shield #): Officer Torres #15073			Reporting Official (Signature): <i>[Signature]</i>	

Details of Incident (Include details as to How, When and Where Infraction was Committed):

On Wednesday February 7, 2018 at approximately 1000 hours, I CO Torres #15073 assigned to the Special Search Team on the 0700X 1531 hours tour, while searching in facility RNDC housing area 6 Upper South cell # 17 assigned to inmate Perkins Derrick B/C # 4411605333 N: [REDACTED] found (2) pieces of sharp metal weapons with cloth handle, on measuring 2 inches and the other 2 ½ inches secreted inside of the radiator of cell #17 Special Search team Supervisor Remy #572 was notified of contraband found. The cell was searched in front of inmate Perkins, Derrick.

You are entitled to a hearing for this infraction no sooner than twenty-four (24) hours after you are served with this notice. If you are a sentenced inmate and you commit an infraction within twenty-four (24) hours prior to your discharge, and have not reached your maximum sentence expiration date, you may be served with charges and held for a hearing. The Department will make every effort to hold this hearing within three (3) business days of the service of this notice. This three (3) business day period excludes the day you are served, weekends, holidays, days you go to court (whether in person or via teleconference), days you are hospitalized or at a hospital attending a clinic, days you leave the facility for an attorney interview, days you are unavailable because you are transferred to another facility and days you are unavailable due to your absence from the facility for any purpose. The three (3) business day period is automatically extended by one (1) business day if you are transferred to another facility prior to your hearing (unless you are a Pre-Hearing Detention Inmate). Commencement of a hearing after three (3) business days is at the discretion of the Adjudication Captain and is not barred by Department rules.

At your hearing you have the following rights:



1. Right to appear personally, unless you waive your right to appear, refuse to attend the hearing or appear at the hearing and become disruptive.
2. Right to make statements. If you choose to remain silent, your silence cannot be used against you. If you make a statement, such statement cannot be used in a subsequent criminal trial unless you have been given a Miranda Warning and then voluntarily testify.
3. Right to present material evidence.
4. Right to present witnesses.
5. Right to the assistance of a Hearing Facilitator.
6. Right to an interpreter if you cannot communicate well enough in English.
7. Right to appeal.

Within twenty-four hours of the Adjudication Captain reaching a decision of guilty, you will receive a copy of the "NOTICE OF DISCIPLINARY HEARING DISPOSITION" form informing you of the violation(s) you are found guilty of, the basis for that finding, the evidence relied upon and the penalty to be imposed. The following penalties are the maximum which may be imposed individually or in any combination:

1. Reprimand.
2. Loss of privileges.
3. Loss of good time if you are a sentenced inmate.
4. Punitive segregation for up to thirty (30) days per each applicable individual charge.
5. Restitution for intentionally damaging or destroying City property.

A twenty five (\$25) dollar disciplinary surcharge will be imposed on all inmates found guilty of a Grade I or Grade II offense. You have the right to appeal an adverse decision rendered by the Adjudication Captain.

Interpreter Requested: <input type="checkbox"/> Yes (If yes, include what language) _____ <input checked="" type="checkbox"/> No	
Hearing Facilitator Requested: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Witness(es) Requested: <input type="checkbox"/> Yes (If yes, include witness(es) Name, Book and Case Number (if inmate) or Shield/ID (if staff) and Location (if inmate) or Post (if staff).) <input checked="" type="checkbox"/> No	
Witness (Print Name): _____	B&C Number: _____ Location: _____
Witness (Print Name): _____	B&C Number: _____ Location: _____
Witness (Print Name): _____	B&C Number: _____ Location: _____
Witness (Print Name): _____	Shield/ID Number: _____ Post: _____
I certify that I received a copy of this notice:	Signature of Inmate: <i>[Signature]</i> Date: 2/8/18 Time: 2000
Served by (Print Name, Rank and Shield #): Capt Remy 354	Signature of Server: <i>[Signature]</i>
Refused to Sign for Notice: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Witnessed By: <i>[Signature]</i>

 <h2 style="margin: 0;">CORRECTION DEPARTMENT</h2> <h3 style="margin: 0;">CITY OF NEW YORK</h3>			
HEARING REPORT AND NOTICE OF DISCIPLINARY DISPOSITION		Page 1 of 2 Pages	Form: 6500D Eff. : 08/04/15 Ref. : Dir. # 6500R-C
Infraction #: <u>256-18</u>		Institution: <u>RND</u>	
Inmate Name (Last, First): <u>Perkins, Darnack</u>		B&C/ Sentence #: <u>NY-1605333</u>	NYSID: [REDACTED]
Location: <u>Vag 9440</u>		Disposition Date: <u>2/26/17</u>	Disposition Time: <u>1700</u> Hrs.
Adjudication Captain (Print Name, Rank & Shield #): <u>Vag 9440</u>			
Folder #: <u>1593</u>		Hearing Start Date: <u>2/13/17</u>	Hearing End Date: <u>2/13/17</u>
Inmate's Accompanying card Indicates Inmate Received Rule Book: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Inmate requested Witness(es): <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Waived <input type="checkbox"/> Request Granted <input type="checkbox"/> Denied (If waived, inmate must sign. If denied, state reason.) Reason: _____			
Inmate requested Hearing Facilitator: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Waived <input type="checkbox"/> Request Granted (If yes, Hearing Facilitator must sign. If waived, inmate must sign.) Reason: _____			
Inmate Requested Interpreter: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Waived <input type="checkbox"/> Request Granted <input type="checkbox"/> Denied (If yes, interpreter must sign. If waived, inmate must sign. If denied, state reason.) Reason: _____			
If inmate advised of right to remain silent was inmate advised that statements could be used against him/her. <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable			
Special Situations			
Hearing in Absentia: <input type="checkbox"/> Inmate Refused to Appear <input type="checkbox"/> Removed from Hearing Due to _____ Specify Reason			
Adjournment: <input type="checkbox"/> By Adjudication Captain Date Reconvened ____/____/____ <input type="checkbox"/> By Inmate Waived Time Limits to Facilitate Adjournment (Inmate Signature) _____			
Referral: <input type="checkbox"/> Security <input type="checkbox"/> Mental Health <input type="checkbox"/> Inspector General			
Inmate Pled: <input type="checkbox"/> Guilty <input checked="" type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty with an Explanation			
Summary of inmate's Testimony: <u>I know I did not put my name</u> <u>when I was in my cell I was signed</u> <u>for cell inspection, My cell was not inspected</u>			
The following witness(es) testified at your hearing. (If additional witnesses testified, attach additional sheets.)			
Witness Name (Last Name, First Name): _____		Rank/Title, Shield/ID # (if staff), B&C/Sentence # (if inmate): _____	
Witness Signature (Present at Hearing): _____			
Witness testified in the presence of the charged inmate: <input type="checkbox"/> Yes <input type="checkbox"/> No If no, state reason: _____			
Summary of Testimony: _____			
Testimony was: <input type="checkbox"/> Credited <input type="checkbox"/> Rejected Reason: _____			
Witness Name (Last Name, First Name): _____			
Witness Signature (Present at Hearing): _____		Rank/Title, Shield/ID # (if staff), B&C/Sentence # (if inmate): _____	
Witness testified in the presence of the charged inmate: <input type="checkbox"/> Yes <input type="checkbox"/> No If no, state reason: _____			
Summary of Testimony: _____			
Testimony was: <input type="checkbox"/> Credited <input type="checkbox"/> Rejected Reason: _____			



CORRECTION DEPARTMENT CITY OF NEW YORK



HEARING REPORT AND NOTICE OF DISCIPLINARY DISPOSITION

 Page 2
of
2 Pages

 Form: 6500D
Eff. : 01/17/15
Ref. : Dir. # 6500R-C

DOCUMENTARY EVIDENCE (Where applicable)

Photograph of Injury:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>16100 Ar</i>	Shown to Inmate:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Photocopy of Weapon:	<input type="checkbox"/> Yes <input type="checkbox"/> No		Shown to Inmate:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Reports - Specify Types:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>E.P.S. Plaintiff</i>	Shown to Inmate:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Logbooks - Specify Types:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>Red I.D. Plaintiff</i>	Shown to Inmate:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Infraction Investigation:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>Controlled Subject</i>	Shown to Inmate:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Physical Evidence (List):	<input type="checkbox"/> Yes <input type="checkbox"/> No		Shown to Inmate:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Witness Statements (List Witnesses):	<input type="checkbox"/> Yes <input type="checkbox"/> No		Shown to Inmate:	<input type="checkbox"/> Yes <input type="checkbox"/> No

On this date and time following disposition was reached after a hearing on the charges listed below:

Charge #	Dismissed	Penalty	Guilty	Not Guilty	Basis for Findings & Evidence Relied On
103.10	<input checked="" type="checkbox"/>	150 days P.S.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<i>My decision is based on</i>
					<i>of C.O. Toller & 15073</i>
					<i>Account of Inf</i>
					<i>Cpt Pines & 354</i>
					<i>New of all Control Board</i>
					<i>I conclude you are Guilty of</i>
					<i>103.10 → 150 days P.S. & continued</i>
					<i>Red I.D. Status</i>

 Twenty Five Dollar (\$25) Disciplinary Surcharge Grade I or Grade II offenses only: ☒ Yes ☐ No

 If you have been found guilty of multiple rule violations, these penalties will be served: ☐ Consecutively ☒ Concurrently

 Infraction Dismissed: ☐ Yes ☒ No

Reason:

Pre-Hearing Detention Time Credit: _____ Days.

Adjudication Captain (Print Name, Rank, Shield #):

Signature of Adjudication Captain:

You have the right to appeal an adverse decision rendered by the Adjudication Captain within two (2) days of service of this decision. If you have been sentenced to a total of thirty (30) days of punitive segregation or loss of all your good time on any one (1) Notice of Disciplinary Disposition (6500D), you may file a petition for a writ under Article 78 of the CPLR. If you are sentenced to less than thirty (30) days punitive segregation or loss of less than all your good time, you may appeal that decision to the Warden of the facility where the infraction occurred.

I certify that I received a copy of this notice:

Signature of Inmate:

B&C Sentence #:

Date:

Time:

Served by (Print Name, Rank and Shield #):

Signature of Server:

Refused to Sign for Notice:

☐ Yes ☒ No

Witnessed By:

12121 STREET

Y 11370



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R2304M

Pro Se

UNITED STATES DISTRICT
COURT SOUTHERN DISTRICT
OF NEW YORK 500 PEARL STREET NY, NY
10007 - 1312

